

**Exhibit 5**  
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Page 1

1 UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3 SONOS, INC.,  
4 Plaintiff,  
5 vs. Case No. 3:21-CV-07559-WHA  
6 GOOGLE LLC,  
7 Defendant.

8  
9 -AND-

10 GOOGLE LLC,  
11 Plaintiff,  
12 vs. Case No. 3:20-CV-06754-WHA  
13 SONOS, INC.,  
14 Defendant.

15 GOOGLE DESIGNATED ATTORNEYS' EYES ONLY  
16 SONOS DESIGNATED HIGHLY CONFIDENTIAL &  
17 ATTORNEYS' EYES ONLY UNDER THE PROTECTIVE ORDER

18 ZOOM DEPOSITION OF TAD COBURN AS 30(B)(1) &  
19 AS SONOS' 30(b)(6) CORPORATE REPRESENTATIVE  
(Reported Remotely via Video & Web Videoconference)  
Wolfeboro, New Hampshire (Deponent's location)

20 Tuesday, July 12, 2022

21 STENOGRAPHICALLY REPORTED BY:  
22 REBECCA L. ROMANO, RPR, CSR, CCR  
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23 Washington CCR No. 3491  
24 JOB NO. 5319142  
25 PAGES 1 - 245

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<p style="text-align: right;">Page 98</p> <p>1 THE DEPONENT: Sonos was aware -- I mean,  2 as Nick says, they plan to launch "it," meaning a  3 cloud-queue-based solution or implementation, as  4 part of Chromecast and -- and this year, which was  5 2014.  6 Q. (By Ms. Baily) Well, Sonos understood at  7 this time that Google was going to implement --  8 was -- strike that.  9 In May 2014, Sonos was aware that Google  10 was going to launch cloud queue with Chromecast and  11 that it was the same implementation of cloud queue  12 that Google was working on with Sonos, correct?  13 MS. BRODY: Objection to form.  14 THE DEPONENT: I had no involvement with  15 the Chromecast implementation. So I don't know if  16 it was the same implementation or not.  17 I -- in other words, I don't know if they  18 were using the same concept or if they were  19 literally using the same code.  20 Q. (By Ms. Baily) Well, turning to the very  21 top of Exhibit 1126, there's an email from you.  22 Do you see that?  23 Oh, sorry, it's -- it's to you --  24 A. It's to me --  25 Q. -- from Nick Millington.</p>	<p style="text-align: right;">Page 100</p> <p>1 (Exhibit 1127 was marked for  2 identification by the court reporter and is  3 attached hereto.)  4 MS. BAILY: So Exhibit 1127 will be  5 SONOS-SVG2-68935 to -938. All right.  6 THE DEPONENT: All right. Okay. I have  7 Exhibit 1127 up on my screen.  8 Q. (By Ms. Baily) There's an email that  9 starts at the top of the second page of  10 Exhibit 1127. It's from Nick Millington.  11 Do you see that?  12 A. Got it.  13 These emails are very hard to follow with  14 the different forms of indentation. But yes, I do  15 see it.  16 Q. And about midway through that email,  17 Mr. Millington writes "I know that you need to  18 support both Chromecast and Sonos (as well as  19 probably other devices in the future)."  20 Do you see that?  21 A. I do see that.  22 Q. And you were later copied into this email  23 chain of Exhibit 1127, correct?  24 A. Yes. Correct.  25 Q. So as of May 2014, you personally were</p>
<p style="text-align: right;">Page 99</p> <p>1 A. -- from Andrew, yeah.  2 Q. I think it's from Nick Millington.  3 A. Oh, correct. Yes.  4 Q. Okay. So at the top of Exhibit 11226  5 there's an email from Nick Millington to you,  6 right?  7 A. Correct.  8 Q. And Mr. Millington says to you, "Keep in  9 mind that" Debajit Ghosh "needs to implement  10 Cloud Queue against ChromeCast as well, at least I  11 think he does."  12 Do you see that?  13 A. I do see that, yes.  14 Q. And so Google was up front with Sonos  15 that it was implementing cloud queue against  16 Chromecast as well as Sonos, correct?  17 MS. BRODY: Objection to form.  18 THE DEPONENT: At this point in time, it  19 was clear to us that Google was planning on using  20 cloud queue as part of their Chromecast  21 implementation.  22 MS. BAILY: Jocelyn, let's bring up  23 Exhibit -- tab 39, which hopefully is  24 SONOS-SVG2-68935.  25 /////</p>	<p style="text-align: right;">Page 101</p> <p>1 aware that Google was implementing cloud queue  2 against Chromecast, Sonos and probably other  3 devices, correct?  4 MS. BRODY: Objection to form.  5 THE DEPONENT: At this point in time, it  6 was fairly clear that -- it was actually quite  7 clear -- that Google was planning on using the  8 cloud queue approach for Chromecast and Sonos.  9 And, as Nick mentions, "and probably other devices  10 in the future."  11 Q. (By Ms. Baily) But it's not just the  12 cloud queue approach, right, Mr. Millington is  13 saying to Mr. Ghosh, "I know that you need to  14 support both Chromecast and Sonos (as well as  15 probably other devices)."  16 Do you see that?  17 A. I do see that, yes.  18 Q. And that suggests that Mr. Millington  19 knows that Google needs to support Chromecast,  20 Sonos and probably other devices using the same  21 cloud queue functionality at the same time,  22 correct?  23 MS. BRODY: Objection to form.  24 THE DEPONENT: Yes, I -- I believe you  25 are correct. This -- this certainly says that we</p>

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<p style="text-align: right;">Page 110</p> <p>1 Do you see that?</p> <p>2 A. I do.</p> <p>3 Q. What is Exhibit 1131?</p> <p>4 A. How interesting. Hang on a second. Let</p> <p>5 me just read through this.</p> <p>6 Okay. I'm sorry. Can you repeat the</p> <p>7 question one more time.</p> <p>8 Q. What is Exhibit 1131?</p> <p>9 A. It's a PDF document.</p> <p>10 Q. Do you understand its contents?</p> <p>11 A. I do.</p> <p>12 MS. BRODY: Objection to form.</p> <p>13 Q. (By Ms. Baily) And what are the contents</p> <p>14 of Exhibit 1131?</p> <p>15 A. It is a -- it's an API specification</p> <p>16 for -- that describes how a Sonos player device</p> <p>17 would communicate with a cloud queue.</p> <p>18 Q. Exhibit 1131 was developed as part of the</p> <p>19 Google-Sonos collaboration, correct?</p> <p>20 MS. BRODY: Objection to form.</p> <p>21 THE DEPONENT: Sonos -- as best as I can</p> <p>22 recall, Sonos and Google collaborated on this</p> <p>23 specification, yes.</p> <p>24 Q. (By Ms. Baily) And Exhibit 1131</p> <p>25 describes "Getting the item window," correct?</p>	<p style="text-align: right;">Page 112</p> <p>1 application or it could -- I mean, in --</p> <p>2 hypothetically, you know, in the -- in the general</p> <p>3 sense, third-party applications would include the</p> <p>4 Google app.</p> <p>5 Q. So muse -- the term "muse," as it's used</p> <p>6 at Sonos, describes APIs that allow third-party</p> <p>7 applications from Google and other providers to</p> <p>8 control Sonos devices; is that right?</p> <p>9 MS. BRODY: Objection to form.</p> <p>10 THE DEPONENT: Muse is a -- is a --</p> <p>11 right. Muse is an API that allows applications to</p> <p>12 send commands to a Sonos device and to also</p> <p>13 register to receive events. And then subsequently,</p> <p>14 to receive those events from the player, so that</p> <p>15 they can both control the device and reflect what</p> <p>16 is happening on the device.</p> <p>17 Q. (By Ms. Baily) Has Sonos used the muse</p> <p>18 API with third-party partners?</p> <p>19 MS. BRODY: Objection to form.</p> <p>20 THE DEPONENT: They have.</p> <p>21 Q. (By Ms. Baily) Sorry. I didn't hear the</p> <p>22 answer.</p> <p>23 A. We have -- we have shared our -- shared</p> <p>24 the muse API with other partners, and they have</p> <p>25 used it to create integrations with the Sonos</p>
<p style="text-align: right;">Page 111</p> <p>1 A. Yes. It has a section titled "Getting</p> <p>2 the item window," which is a core part of the API.</p> <p>3 Q. And looking at this document, do you</p> <p>4 understand what an REST API is?</p> <p>5 A. It's just a -- it's a particular style of</p> <p>6 API commonly used over network connections.</p> <p>7 MS. BAILY: Jocelyn, could you bring</p> <p>8 up -- well, before you do.</p> <p>9 Q. (By Ms. Baily) Mr. Coburn, you can close</p> <p>10 out of those documents.</p> <p>11 A. Okay.</p> <p>12 Q. Are you familiar with the term "muse</p> <p>13 protocol" as that's used at Sonos?</p> <p>14 A. Yes, I am familiar with the term "muse"</p> <p>15 as used at Sonos.</p> <p>16 Q. And what does that term mean at Sonos?</p> <p>17 A. Well, it can -- it can be used to mean a</p> <p>18 number of things. But one of the primary uses is</p> <p>19 to describe APIs that allow -- allow third-party</p> <p>20 applications to control Sonos devices, Sonos</p> <p>21 speakers.</p> <p>22 Q. Third-party applications besides Google</p> <p>23 applications?</p> <p>24 A. Third party being nonSonos applications.</p> <p>25 So it could -- it would include the Google</p>	<p style="text-align: right;">Page 113</p> <p>1 system.</p> <p>2 Q. (By Ms. Baily) With what partners has</p> <p>3 Sonos shared the muse API, to your knowledge?</p> <p>4 A. I do not -- I definitely don't know the</p> <p>5 full list. As I mentioned earlier, I'm not in</p> <p>6 charge of all of the integration projects that</p> <p>7 Sonos undertakes with third parties. So the only</p> <p>8 one I am -- that I am -- that I am certain of --</p> <p>9 and I don't know the details of it is the -- is an</p> <p>10 integration with the Pandora application.</p> <p>11 Q. When did Sonos first share the muse API</p> <p>12 with Pandora?</p> <p>13 A. I don't know.</p> <p>14 Q. Do you know who at Sonos would know the</p> <p>15 answer to that question?</p> <p>16 A. Not off the top of my head, no.</p> <p>17 Q. Was the muse API developed based on the</p> <p>18 work that Google and Sonos did together on the</p> <p>19 cloud queue API?</p> <p>20 MS. BRODY: Objection to form.</p> <p>21 THE DEPONENT: I would say that the muse</p> <p>22 API -- let's see, what's the best way to explain</p> <p>23 this.</p> <p>24 The work that we did with Google</p> <p>25 contained a very small control API and that --</p>

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<p style="text-align: right;">Page 114</p> <p>1 control an event API, and Sonos took that API and</p> <p>2 essentially expanded it enormously to cover a whole</p> <p>3 bunch of other functions that had nothing to do</p> <p>4 with the Google integration specifically.</p> <p>5 Q. (By Ms. Baily) The work that Google and</p> <p>6 Sonos did together on the cloud queue API was the</p> <p>7 starting point for Sonos' muse API, fair?</p> <p>8 MS. BRODY: Objection to form.</p> <p>9 THE DEPONENT: The muse API itself did</p> <p>10 not include the cloud queue API. The command and</p> <p>11 eventing protocol that Sonos collaborated with</p> <p>12 Google on was -- it was the precursor to the muse</p> <p>13 API.</p> <p>14 MS. BAILY: Jocelyn, let's mark</p> <p>15 SONOS-SVG2-00182843.</p> <p>16 (Exhibit 1132 was marked for</p> <p>17 identification by the court reporter and is</p> <p>18 attached hereto.)</p> <p>19 MS. BAILY: And for the record,</p> <p>20 Exhibit 1132 will be a document Bates-labeled</p> <p>21 SONOS-SVG2-182843 to -883.</p> <p>22 THE DEPONENT: I see a document with no</p> <p>23 exhibit number. is that the one I should look at?</p> <p>24 MS. MA: No. Sorry. Give me one minute.</p> <p>25 You can ignore that one.</p>	<p style="text-align: right;">Page 116</p> <p>1 Q. Sorry about that.</p> <p>2 Exhibit 1132 was created by Google and</p> <p>3 Sonos during their collaboration; is that correct?</p> <p>4 A. Yes. I don't know what iteration</p> <p>5 of this -- of the document this is that we're</p> <p>6 looking at. But this document was created during</p> <p>7 the collaboration.</p> <p>8 MS. BAILY: And, Jocelyn, if you could do</p> <p>9 SONOS-SVG2-182805.</p> <p>10 And for the record, Exhibit 1133 will be</p> <p>11 SONOS-SVG2-182805 to -842.</p> <p>12 (Exhibit 1133 was marked for</p> <p>13 identification by the court reporter and is</p> <p>14 attached hereto.)</p> <p>15 THE DEPONENT: All right. I can see</p> <p>16 Exhibit 1133.</p> <p>17 Q. (By Ms. Baily) What is Exhibit 1133?</p> <p>18 A. It looks very similar to the previous</p> <p>19 exhibit to my eye, just scanning it very briefly.</p> <p>20 Q. Exhibit 1133 is called the "Muse</p> <p>21 Protocol."</p> <p>22 Do you see that?</p> <p>23 A. I do.</p> <p>24 Q. Is this Exhibit 1133 the muse protocol</p> <p>25 that was shared with Pandora?</p>
<p style="text-align: right;">Page 115</p> <p>1 THE DEPONENT: Okay.</p> <p>2 (Discussion off the stenographic record.)</p> <p>3 Q. (By Ms. Baily) Let me know when you see</p> <p>4 it.</p> <p>5 A. I'm sorry. I forgot to hit refresh. My</p> <p>6 bad.</p> <p>7 Q. No, no, no.</p> <p>8 Do you have it?</p> <p>9 A. Okay. Exhibit 1132. Yes, I have it.</p> <p>10 Q. Okay. Take a quick look at Exhibit 1132.</p> <p>11 My first question is going to be if you</p> <p>12 know what this document is?</p> <p>13 A. Okay. Generally speaking, yes, I know</p> <p>14 what this document is -- is about.</p> <p>15 Q. And what is it about?</p> <p>16 A. It is describing a set of commands and</p> <p>17 events that go between an application and a device,</p> <p>18 like a Sonos speaker to -- let's see. Yes. To</p> <p>19 tell the speaker to initiate playback from a</p> <p>20 cloud queue and then to control the playback</p> <p>21 subsequently while in --</p> <p>22 Q. Exhibit --</p> <p>23 A. -- while it's playing from that</p> <p>24 cloud queue.</p> <p>25 No. It's all right.</p>	<p style="text-align: right;">Page 117</p> <p>1 MS. BRODY: Objection to form.</p> <p>2 THE DEPONENT: The muse protocol that was</p> <p>3 shared with Pandora is -- this document is not the</p> <p>4 document that was shared with Pandora, if that's</p> <p>5 your question.</p> <p>6 Q. (By Ms. Baily) What document was shared</p> <p>7 with Pandora?</p> <p>8 MS. BRODY: Objection to form.</p> <p>9 THE DEPONENT: Sonos has its -- as I</p> <p>10 mentioned, Sonos -- Sonos' muse protocol was -- it</p> <p>11 initially started as this small API that we</p> <p>12 developed -- codeveloped with Google, and then it</p> <p>13 was greatly expanded by Sonos.</p> <p>14 So we have our own documentation</p> <p>15 internally on the greatly expanded API, which is</p> <p>16 what Sonos refers to when they're talking about</p> <p>17 muse.</p> <p>18 Q. (By Ms. Baily) The muse protocol uses</p> <p>19 the same functions for commands and events as the</p> <p>20 cloud queue implementation designed by Sonos and</p> <p>21 Google, correct?</p> <p>22 MS. BRODY: Objection to form.</p> <p>23 THE DEPONENT: As I mentioned, the</p> <p>24 protocol -- the protocol that was developed as part</p> <p>25 of the Google-Sonos collaboration was really the</p>

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<p style="text-align: right;">Page 142</p> <p>1 A. It's hard for me to remember the exact 2 sequence in time, but I do have a recollection that 3 Sonos was discussing cloud queue concepts prior to 4 the point where Google had shared any design 5 details with us. 6 Q. Do you know when Google first came up 7 with the idea internally to use a cloud queue for 8 music playback? 9 MS. BRODY: Objection to form. 10 THE DEPONENT: That is a good point. I 11 do not know exactly when Google first came up with 12 the idea internally. I only know when they shared 13 it with us -- when they shared the idea with us -- 14 Q. (By Ms. Baily) Do you know -- 15 A. -- that they were -- they were thinking 16 about it, as well as we were thinking about it. 17 Q. Do you know generally when Google 18 internally came up with the idea of using a 19 cloud queue for music playback? 20 MS. BRODY: Objection to form. 21 THE DEPONENT: I -- I don't know 22 specifically when Google was first considering the 23 idea internally. 24 Q. (By Ms. Baily) So you don't know one way 25 or the other whether Sonos was the first to come up</p>	<p style="text-align: right;">Page 144</p> <p>1 Bates number SONOS-SVG2-00140005. 2 And Exhibit 1135 is SONOS-SVG2-00140006 3 to -140015. 4 Q. (By Ms. Baily) And, Mr. Coburn, just let 5 me know once you have 1134 and 1135. 6 A. Okay. I have them open. 7 Q. Why don't you read to yourself 8 Exhibit 1134. 9 A. Okay. 10 Q. Do you recall that in April 2015 Sonos 11 shared with Spotify certain cloud queue 12 documentation from the Google-Sonos collaboration? 13 MS. BRODY: Objection to form. 14 THE DEPONENT: I didn't recall -- reading 15 this, it is clear that we are sharing a cloud queue 16 REST API with -- with Spotify. I don't know if 17 that's the exact same API spec that we used with 18 Google or if it was an evolution of that API spec. 19 Q. (By Ms. Baily) Do you recall that there 20 was an effort to make sure there were no references 21 to Google in that document before you shared it 22 with Spotify? 23 A. I see here that I wrote that I searched 24 the page to remove references to the G company, 25 which one could reasonably assume means Google,</p>
<p style="text-align: right;">Page 143</p> <p>1 with the idea of having a cloud queue for music 2 playback, correct? 3 MS. BRODY: Objection to form. 4 THE DEPONENT: No, I don't have specific 5 knowledge that I could -- I mean, yeah. 6 MS. BAILY: Jocelyn, could you bring 7 SONOS-SVG2-140005, and its attachment, if you can. 8 Let me know if you're going to mark them 9 separately. 10 MS. MA: Yeah, sorry. I have them 11 separately. 12 MS. BAILY: That's fine. 13 So I apologize, Rebecca, while those are 14 getting loaded, do you know what my last exhibit 15 number was? 16 THE COURT REPORTER: 1133. So you're on 17 1134. 18 (Exhibit 1134 was marked for 19 identification by the court reporter and is 20 attached hereto.) 21 (Exhibit 1135 was marked for 22 identification by the court reporter and is 23 attached hereto.) 24 MS. BAILY: So for the record, I'll mark 25 as Exhibit 1134, a document with the</p>	<p style="text-align: right;">Page 145</p> <p>1 yes. 2 Q. Well, why did you refer to it as the "G" 3 company? 4 A. I don't know. 5 Q. Well, why did you include a smiley face? 6 A. I don't know. 7 Q. Was there some concern with sharing 8 information from the Google-Sonos collaboration 9 with Spotify? 10 MS. BRODY: Objection to form. 11 THE DEPONENT: I didn't say there was 12 concern about it. I think we just -- I believe 13 that we simply didn't want Spotify to know what we 14 were working on with Google. 15 Q. (By Ms. Baily) Well, why wouldn't you 16 want Spotify to know that Google had contributed to 17 the API that you were sending to Spotify? 18 MS. BRODY: Objection to form. 19 THE DEPONENT: I don't think we thought 20 about it that way. 21 Q. (By Ms. Baily) Sorry. I thought your 22 prior testimony was "I believe we didn't want 23 Spotify to know what we were working on with 24 Google." 25 Why wouldn't Sonos want Spotify to know</p>



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<p style="text-align: right;">Page 146</p> <p>1 what Google had contributed to the API?</p> <p>2 MS. BRODY: Objection to form.</p> <p>3 THE DEPONENT: Generally speaking, we</p> <p>4 don't discuss with one partner the work that we're</p> <p>5 doing with another partner.</p> <p>6 Q. (By Ms. Baily) Was there an effort in</p> <p>7 the public domain for Sonos to take credit for</p> <p>8 cloud queue?</p> <p>9 MS. BRODY: Objection to form.</p> <p>10 THE DEPONENT: I'm not sure what you'd be</p> <p>11 referring to.</p> <p>12 Q. (By Ms. Baily) So you're not aware of</p> <p>13 any efforts by Sonos to take credit for cloud queue</p> <p>14 in the public sphere?</p> <p>15 MS. BRODY: Objection to form.</p> <p>16 THE DEPONENT: Yeah. I'm afraid I -- I</p> <p>17 don't quite understand the question.</p> <p>18 Q. (By Ms. Baily) What part of it are you</p> <p>19 having trouble with?</p> <p>20 A. I -- I'm not sure what you mean by Sonos</p> <p>21 taking credit in the public domain.</p> <p>22 Q. Did Sonos --</p> <p>23 A. What -- what form of credit are you</p> <p>24 referring to?</p> <p>25 Q. Let me ask it this way: Did Sonos want</p>	<p style="text-align: right;">Page 148</p> <p>1 patent -- let me start again. Let me have some</p> <p>2 water.</p> <p>3 Are you aware of any Sonos patents or</p> <p>4 patent applications that relate to work that was</p> <p>5 part of the Google-Sonos cloud queue</p> <p>6 implementation?</p> <p>7 MS. BRODY: Objection to form.</p> <p>8 THE DEPONENT: The Google patents that</p> <p>9 Sonos filed on cloud queues would, in my</p> <p>10 recollection, not include any of the output of the</p> <p>11 collaboration from the Sonos-Google collaborative</p> <p>12 project.</p> <p>13 Q. (By Ms. Baily) So the Google patents</p> <p>14 that Sonos filed on cloud queues do not claim the</p> <p>15 output of the collaboration?</p> <p>16 MS. BRODY: Objection to form.</p> <p>17 I think there's a typo in his response.</p> <p>18 He didn't say Google patents.</p> <p>19 THE DEPONENT: I'm sorry. I can't see</p> <p>20 the transcript.</p> <p>21 Q. (By Ms. Baily) Okay. Sorry. Let me ask</p> <p>22 it again.</p> <p>23 The -- the patents that Sonos filed on</p> <p>24 cloud queues do not claim the output of the</p> <p>25 collaboration from the -- sorry.</p>
<p style="text-align: right;">Page 147</p> <p>1 to be perceived as the creator of the cloud queue</p> <p>2 API?</p> <p>3 MS. BRODY: Objection to form.</p> <p>4 THE DEPONENT: I believe that Sonos</p> <p>5 codeveloped the API with Google. I believe that</p> <p>6 both sides were open with each other in their plans</p> <p>7 to eventually share the APIs with other partners on</p> <p>8 other projects.</p> <p>9 I don't believe that -- and I don't -- I</p> <p>10 don't believe that Sonos made an effort to say that</p> <p>11 we invented the cloud queue REST API on our own.</p> <p>12 Q. (By Ms. Baily) That would not be true,</p> <p>13 correct?</p> <p>14 A. Right.</p> <p>15 MS. BRODY: Objection to form.</p> <p>16 THE DEPONENT: The -- the -- the initial</p> <p>17 API was developed cooperatively -- the API --</p> <p>18 the -- the detailed API, which is different than</p> <p>19 the concept of a cloud queue -- the detailed API</p> <p>20 was developed as part of the Google-Sonos</p> <p>21 collaboration. And then I think both parties</p> <p>22 extended it in their own unique ways.</p> <p>23 Q. (By Ms. Baily) Are you -- you can close</p> <p>24 Exhibit 1134.</p> <p>25 Are you aware of any Sonos patent or</p>	<p style="text-align: right;">Page 149</p> <p>1 The transcript -- sorry -- is a little</p> <p>2 bit messy. I apologize, Rebecca. It's good.</p> <p>3 The Sonos patents filed on cloud queues</p> <p>4 do not claim the outputs of the Sonos-Google</p> <p>5 collaboration; is that right?</p> <p>6 MS. BRODY: Objection to form.</p> <p>7 THE DEPONENT: Yeah. Again, they -- they</p> <p>8 neither claim nor don't claim the output of the</p> <p>9 Google collaboration. They were filed prior to the</p> <p>10 collaboration, if I recollect -- if my recollection</p> <p>11 is correct, or at least prior to any detailed</p> <p>12 disclosure of any designs between Google and Sonos.</p> <p>13 Q. (By Ms. Baily) Do the Sonos patents</p> <p>14 filed on cloud queue relate to the work done by</p> <p>15 Sonos and Google during their collaboration?</p> <p>16 MS. BRODY: Objection to form.</p> <p>17 THE DEPONENT: Can you define "relate."</p> <p>18 What -- what -- I'm not sure.</p> <p>19 Q. (By Ms. Baily) What's your understanding</p> <p>20 of "relate"?</p> <p>21 A. All right. Can -- I'm sorry. Can you</p> <p>22 repeat the question again then.</p> <p>23 Q. Do the patents -- strike that.</p> <p>24 Do the Sonos patents filed on cloud queue</p> <p>25 relate to the work that Google and Sonos did during</p>

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<p style="text-align: right;">Page 226</p> <p>1 preparation for your testimony on topic No. 2?</p> <p>2 A. On topic No. 2. On topic No. 2.</p> <p>3 Q. Let me say it this way.</p> <p>4 A. Yeah.</p> <p>5 Q. How many documents --</p> <p>6 A. Okay.</p> <p>7 Q. -- did you review in preparation for your</p> <p>8 testimony regarding the facts and circumstances of</p> <p>9 the conception of the asserted patents, which is</p> <p>10 part of topic No. 2?</p> <p>11 A. Right. I don't know the exact number of</p> <p>12 document I reviewed.</p> <p>13 Q. Do you know a ballpark number?</p> <p>14 A. I don't know. It could have been</p> <p>15 probably more than 10 and less than 30.</p> <p>16 Q. Did any of those documents refresh your</p> <p>17 recollection regarding the facts and circumstances</p> <p>18 around the conception of the '615 and '033 patents?</p> <p>19 A. I'm sure that they did, to some extent.</p> <p>20 MS. BAILY: And just for the record,</p> <p>21 those documents were not produced to Google and</p> <p>22 identified as such prior to this deposition.</p> <p>23 Q. (By Ms. Baily) Sir, do you recall</p> <p>24 anything more than you've already told me about the</p> <p>25 facts and circumstances regarding the conception of</p>	<p style="text-align: right;">Page 228</p> <p>1 All right. I'm -- I'm sorry. I believe</p> <p>2 the question was, did we use other terms, and I</p> <p>3 would say that a resource locator is -- is kind of</p> <p>4 fancy legal jargon for, you know, some sort of</p> <p>5 identifier that identifies a track.</p> <p>6 Q. (By Ms. Baily) So the term "resource</p> <p>7 locator" was not used at Sonos prior to the filing</p> <p>8 of the '615 patent; is that your testimony?</p> <p>9 MS. BRODY: Objection to form.</p> <p>10 THE DEPONENT: I don't recall using that</p> <p>11 phrase, that's the specific phrase "resource</p> <p>12 locator", in our internal documents prior to the</p> <p>13 patent filing.</p> <p>14 Q. (By Ms. Baily) Now, if you look at</p> <p>15 Exhibit 1145, Exhibit 14- -- 1145 does not disclose</p> <p>16 adding resource locators to the local playback</p> <p>17 queue, does it?</p> <p>18 MS. BRODY: Objection to form.</p> <p>19 THE DEPONENT: I will agree that it does</p> <p>20 not use the word "resource locator."</p> <p>21 I believe that it -- hang on.</p> <p>22 I believe that this -- this email, along</p> <p>23 with the attached PDF, which we viewed earlier --</p> <p>24 again, it does not use the term "resource locator."</p> <p>25 But it does refer to IDs, which I think a</p>
<p style="text-align: right;">Page 227</p> <p>1 the '033 patent?</p> <p>2 A. I don't think I have anything else to add</p> <p>3 at this point.</p> <p>4 Q. Did any of the documents that you</p> <p>5 reviewed regarding the facts and circumstances</p> <p>6 related to the conception of the '615 patent talk</p> <p>7 about shared queues?</p> <p>8 A. I don't believe they used the term</p> <p>9 "shared queue."</p> <p>10 Q. Did any of the documents that you</p> <p>11 reviewed regarding the facts and circumstances</p> <p>12 around the conception of the '615 patent refer to</p> <p>13 adding resource locators to the local playback</p> <p>14 queue?</p> <p>15 MS. BRODY: Objection to form.</p> <p>16 THE DEPONENT: I don't believe we use</p> <p>17 that exact phrase in our internal documents, no.</p> <p>18 Q. (By Ms. Baily) Is there some other</p> <p>19 wording that you think is equivalent to adding</p> <p>20 resource locators to the local playback queue that</p> <p>21 you used prior to the filing of the '615 patent</p> <p>22 application?</p> <p>23 MS. BRODY: Objection to form.</p> <p>24 THE DEPONENT: I believe that resource</p> <p>25 locator as used in the -- well, no.</p>	<p style="text-align: right;">Page 229</p> <p>1 reasonable person can understand means identifiers</p> <p>2 for tracks.</p> <p>3 And I believe the second part of your</p> <p>4 question was whether this discloses them being</p> <p>5 added to a local queue.</p> <p>6 Is that -- is that my correct</p> <p>7 understanding of your question?</p> <p>8 Q. (By Ms. Baily) The local playback queue.</p> <p>9 A. Local playback queue.</p> <p>10 The email at the top of Exhibit -- of</p> <p>11 this Exhibit 1145 does not explicitly mention local</p> <p>12 playback queues.</p> <p>13 Q. So Exhibit 11- --</p> <p>14 A. However -- oh --</p> <p>15 Q. Go on.</p> <p>16 A. However, the -- the diagram shows the</p> <p>17 queue state being passed through -- through the</p> <p>18 cloud down to the player. And presumably that</p> <p>19 queue state has to be stored somewhere. So I think</p> <p>20 a reasonable person could surmise that it's being</p> <p>21 stored in the local queue.</p> <p>22 Q. But the schematic does not -- the</p> <p>23 schematic, nor the email, disclose that that's</p> <p>24 where an ID is being stored, that an ID is being</p> <p>25 added to a local -- local playback queue.</p>



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<p style="text-align: right;">Page 230</p> <p>1 What these documents disclose is an ID 2 being -- being sent to a player, correct? 3 MS. BRODY: Objection to form. 4 THE DEPONENT: I believe you're splitting 5 hairs. It seems that if an -- if -- if one or more 6 IDs are sent to a player, that that player has to 7 store them somewhere. And so, you know, at this -- 8 at this point in time, this is 2011, the only place 9 Sonos had to store them at that point was the local 10 queue on the player. 11 So while I agree that it does not say 12 that explicitly, I think it can be reasonably 13 inferred from this email. 14 Q. (By Ms. Baily) Exhibit 1140 and 1145 15 nowhere discuss a local play queue, correct? 16 MS. BRODY: Objection to form. 17 THE DEPONENT: 1140 does not use the term 18 "local playback queue." And neither does 11- -- 19 1145 does also not -- also does not use the term 20 "local playback queue." 21 Q. (By Ms. Baily) And neither of these 22 documents are talking about adding information to a 23 local playback queue, correct? 24 MS. BRODY: Objection to form. 25 THE DEPONENT: It depends on whether</p>	<p style="text-align: right;">Page 232</p> <p>1 A. Got it. 2 Q. -- Nick Millington copied you into his 3 correspondence with Debajit Ghosh in this exhibit, 4 correct? 5 A. Yes. I believe that Nick copied me on 6 his last reply to Debajit. 7 Q. And that included all of the other 8 correspondence in Exhibit 1127 that Mr. Ghosh and 9 Mr. Millington had, correct? 10 A. Yes, it did. 11 Q. And Mr. Millington says in his email, 12 "when this thread took more of a technical turn, I 13 should have included Tad, and I'm copying him here 14 now in preparation for next week, he is going to 15 share a few thoughts he has written up on Cloud 16 Queue command/event set." 17 Do you see that? 18 A. I do. 19 Q. And when you received this email from 20 Nick Millington, do you believe that you read the 21 correspondence between Mr. Millington and 22 Mr. Ghosh? 23 MS. BRODY: Objection. Outside the 24 scope. 25 THE DEPONENT: I believe that I read</p>
<p style="text-align: right;">Page 231</p> <p>1 you're looking at the words literally as they sit 2 on the page or if you're looking at the meaning 3 behind the words. The words do not use the term 4 "local playback queue." 5 However, as I said previously, I believe 6 a reasonable person could infer that they have to 7 be stored on the local player somewhere, and that 8 that location was quite likely to be the thing that 9 Sonos refers to as the local queue or the local 10 playback queue. 11 Q. (By Ms. Baily) Well, where in 12 Exhibit 1140 or Exhibit 1145 do those documents 13 talk about a queue or where that queue might 14 reside? 15 MS. BRODY: Objection to form. 16 THE DEPONENT: Well, it's fairly evident 17 to me from the term "queue state" that it's 18 referring to a queue, which I think answers the 19 first part of your question. 20 The second part of your question is, does 21 it describe where that queue lives and that -- I 22 would say that these two exhibits do not explicitly 23 discuss where the queue lives. 24 Q. (By Ms. Baily) If you could turn to 25 Exhibit 1127 --</p>	<p style="text-align: right;">Page 233</p> <p>1 through the email, yes. 2 Q. (By Ms. Baily) And earlier, in response 3 to my questions, you testified as to your 4 understanding of those emails at the time, correct? 5 MS. BRODY: Objection. Outside the 6 scope. 7 I'll also object to form. 8 THE DEPONENT: I'm sorry, Rebecca. Can 9 you just repeat the question. I want to make sure 10 I answer it correctly. 11 Rebecca -- excuse me. Melissa. 12 MS. BAILY: Sure. 13 THE DEPONENT: Excuse me. I'm getting 14 tired. 15 Q. (By Ms. Baily) In response to my earlier 16 questions regarding Exhibit 1127 -- 17 A. Okay. 18 Q. -- you testified regarding your 19 understanding of the emails contained in 20 Exhibit 1127 at the time, correct? 21 MS. BRODY: Objection to form. And 22 outside the scope. 23 THE DEPONENT: Yes, I believe I tes- -- I 24 did tes- -- testify to what I believe Nick meant. 25 Q. (By Ms. Baily) What you believed Nick</p>